

## **RESOLUTION 2004-66**

### **A RESOLUTION CONCERNING A CHANGE IN THE SURETY BOND COMPANY WITH WHICH PINNACLE ENTERTAINMENT, INC. HAS ITS BOND POSTED**

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The following factors have been considered by the Commission:

1. Pinnacle Entertainment, Inc. ("Pinnacle"), parent company of Belterra Resort (Indiana), LLC ("Belterra") posted Surety Bond and Guaranty, Bond Number BE 0940122, in the amount of \$3,500,000 with the Gulf Insurance Company, as Surety, and Select Insurance Company, as Guarantor.
2. The Commission approved Surety Bond and Guaranty, Number BE 0940122, in the amount of \$3,500,000 on March 2, 2001.
3. On November 7, 2001, the Commission ordered a reduction in Surety Bond and Guaranty BE0940122 to \$2,000,000.
4. Pinnacle has requested the ability to replace the Surety Bond and Guaranty described in paragraphs 1 and 2 with a Surety Bond of Fidelity and Deposit Company of Maryland, guaranteed by the Zurich American Insurance Company in the amount of \$3,500,000.
5. Virginia Dill McCarty, outside counsel for the Commission, has performed due diligence on Fidelity and Deposit Company of Maryland and Zurich American Insurance Company and has advised the Commission that Surety Bond Number 08758849 meets the requirements of IC 4-33 and 68 IAC. (copy of letter attached).
6. The content of the Surety Bond Number 08758849 of the Fidelity and Deposit Company of Maryland effective October 19, 2004, guaranteed by the Zurich American Insurance Company does satisfy the remaining commitments of Pinnacle as did Surety Bond and Guaranty, Number BE 0940122.
7. Pinnacle has also requested the ability to submit a reduced bond in the amount of \$2,000,000, contingent on review by Ms. McCarty.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

#### **SECTION 1. DEFINITIONS.**

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution.

**SECTION 2. ACTION ON REQUEST OF REPLACEMENT OF SURETY BOND AND GUARANTY.**

The Commission hereby:

**APPROVES**

APPROVES OR DISAPPROVES

Pinnacle Entertainment, Inc.'s request for approval to replace Surety Bond and Guaranty, Bond Number BE 0940122 with a Surety Bond Number 08758849 in the amount of \$3,500,000 posted by Pinnacle Entertainment with Fidelity and Deposit Company of Maryland and guaranteed by the Zurich American Insurance Company, and ratifies the release of Surety Bond and Guaranty, Bond Number BE 0940122 to Pinnacle Entertainment.

**SECTION 3. APPROVAL FOR SUBMISSION OF REDUCED BOND**

The Commission hereby:

**APPROVES**

APPROVES OR DISAPPROVES

Pinnacle Entertainment, Inc.'s request to submit a reduced bond in the amount of \$2,000,000, contingent upon review by Ms. Virginia Dill-McCarty.

**SECTION 4. EFFECTIVE DATE.**

This RESOLUTION is effective immediately.

**ADOPTED, THIS THE 3<sup>rd</sup> DAY OF DECEMBER, 2004:**

**THE INDIANA GAMING COMMISSION:**

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**Donald R. Vowels, Chair**

**ATTEST:**

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**Thomas Milcarek, Secretary**